

# Thomas-Jensen Affirmation

Exhibit # 77

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF RHODE ISLAND

STATE OF NEW YORK, et al.,

Plaintiffs,

C.A. No. 25-cv-39-JJM-PAS

v.

**DECLARATION OF  
BRADLEY C. WIEFERICH**

DONALD TRUMP, et al.,

Defendants.

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I, Bradley C. Wieferich, pursuant to 28 U.S.C. § 1746, hereby declare that the following is true and correct:

1. I am the director of the Michigan Department of Transportation (MDOT), a position I have held since 2023.
2. Through my role, I have personal knowledge of the matters set forth below or have knowledge of the matters based on my review of information and records gathered by my staff.

**Michigan Department of Transportation**

3. MDOT is responsible for the construction, maintenance, and repair for the Michigan trunkline highway system. In addition, MDOT receives federal transportation and grant funding for various transportation modes, including aviation, rail, and transit. Finally, MDOT is responsible for distributing and administering federal transportation funding for Michigan counties, cities, and villages.

4. MDOT receives federal transportation funding from various divisions of the U.S. Department of Transportation, including the Federal Highway Administration (FHWA), the Federal Aviation Administration (FAA), the Federal Transit Administration (FTA), and the Federal Rail Administration (FRA).

Currently, this funding includes:

- a. Over \$1.4 billion in FHWA formula obligation authority in Fiscal Year 2025;
- b. Over \$200 million in FTA funding and grants;
- c. Up to \$220 million in FAA funding and grants;
- d. Over \$200 million in awarded FRA grants; and
- e. Over \$800 million in total awarded discretionary grants under the Infrastructure Investment & Jobs Act, Public Law 117-58, including grants awarded by FHWA, FTA, and FRA.

Overall, federal funds account for approximately 33% of MDOT's \$6.8 billion budget for Fiscal Year 2025.

5. Continued federal funding is critical to Michigan's transportation needs. Michigan uses federal transportation funding to construct, repair, and maintain state and local highways, roads, and other critical transportation infrastructure. In addition, federal funds are used to improve and operate rail infrastructure, transit systems, and airports.

#### **Impacts of pause in federal funding**

6. A pause in Michigan's federal transportation funding would have a direct, immediate, and adverse impact on MDOT's ability to operate the programs listed above.

7. A complete pause on federal transportation funding would have dire effects on MDOT's ability to deliver the above-mentioned programs.

8. After federal funding is obligated for specific transportation projects or grants, MDOT proceeds to award contracts and otherwise commit state resources to implement the projects and grants. MDOT generally receives federal funding on a reimbursement basis, under which MDOT incurs costs under these contracts and then submits those costs to the appropriate federal division for reimbursement.

9. If all federal transportation funding is paused, MDOT will have hundreds of millions of dollars committed to binding construction and other contracts without the ability to seek reimbursement from the federal government. Further, MDOT's required reimbursements will greatly increase once the 2025 construction season begins. Any prolonged pause in federal reimbursements may require MDOT to suspend, delay, or cancel programmed projects until it has confidence in the continued availability of federal funding needed to support its programs.

10. MDOT has not received formal guidance from any federal agency on the scope or duration of any potential funding pause. Therefore, MDOT does not have formal guidance on whether any pause would apply to all federal transportation funding, including funding that has been obligated to specific projects or grants, or whether it would apply to all categories of federal transportation funding (i.e., formula funding) or only to discretionary funding, like grant programs.

11. Without such guidance, MDOT is unable to adequately assess the risk of continuing to commit to federally funded contracts for transportation or otherwise continue its planning, design, or other programming activities related to federally funded projects and grants.

12. Even if a potential funding pause applied only to non-obligated grant awards, MDOT currently has over \$500 million in awarded discretionary grants that have not yet been obligated. This sum includes a nearly \$200 million grant to replace the River Raisin Bridge over Interstate 75 in Wayne County, a \$73 million grant to separate an at-grade rail grade crossing in southeast Michigan, and a \$25 million grant for road and bridge work in Grand Rapids. Pauses in the funding or obligation process would delay these and other needed state projects.

13. A pause in MDOT's federal transportation funding would also have a direct and adverse impact on the residents of Michigan, who are the intended beneficiaries of the federal financial assistance that flows through these programs. MDOT's federal funding supports all modes of transportation for Michigan residents, including vehicle, public transit, rail, and air.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Dated: February 5, 2025



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Bradley C. Wieferich, P.E.  
Director, Michigan Department of  
Transportation